

REMARKS

The amendment to claim 63 is supported by claim 69. Claim 71 has been cancelled, without prejudice to its further prosecution in a continuation or divisional application. Claim 72 has been amended to appropriately adjust its dependency and to make it consistent with amended claim 63. Claim 69 has been amended to make it consistent with amended claim 63. Claim 103 is supported by claims 63 and 67. No new matter has been added. Claims 63, 67-70, 72-84 and 92-103 are present and active in the application.

Applicants would like to thank the Examiners George and Dodson for the courteous and helpful discussion held with applicants' representative on October 11, 2007. During this discussion, unexpected and surprising results, which flow from the use of a second stream to accelerate the first stream, were discussed.

Claim 63, and claims dependent thereon, specify accelerating a first stream comprising a first liquid; vibrating the first stream, to form particles; and solidifying the particles. By accelerating the stream, it becomes narrower, allowing for the formation of particles having a smaller diameter than the stream.

The rejection of the claims over Peschka et al. is respectfully traversed. Peschka et al. does not describe accelerating a stream. Furthermore, the present invention, as claimed, results in unexpected and surprising results: the formation of particles which are smaller than the first stream, as formed.

Peschka et al. describes a method for producing small metal balls approximately equal in diameter. In this method a continuous stream of liquid metal is subjected to compressional vibrations. The droplets formed are cooled, in order to solidify them. There is neither a description nor a suggestion to accelerate the stream. The solidified droplets have a diameter which is not smaller than the liquid stream, as formed.

Claim 63 includes accelerating a first stream. The accelerating narrows the stream, allowing for the formation of particles having a smaller diameter than the stream. These unexpected and surprising results flow from accelerating the stream, and are not found in the prior art.

Peschka et al. neither describes nor suggests accelerating the stream. Furthermore, the unexpected and surprising results, not suggested by Peschka et al., further demonstrate the unobviousness of the present invention. Accordingly, Peschka et al. does not anticipate, nor render obvious, claim 63. Withdrawal of this ground of rejection is respectfully requested.

All of the grounds raised in the present Office Action for rejecting the application are believed to be overcome or rendered moot based on the remarks above. Thus, it is respectfully submitted that all of the presently presented claims are in form for allowance, and such action is requested. Should the Examiner feel a discussion would expedite the prosecution of this application, the Examiner is kindly invited to contact the undersigned at (312) 876-1400.

Respectfully submitted,



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